

Chapter 17.72

VARIANCES

Sections:

17.72.010 Authorization to grant or deny.

17.72.020 Circumstances for granting.

17.72.040 Time limit.

17.72.010 Authorization to grant or deny.

(1) Scope. Variances from this title may be approved where it can be shown that strict application of the provisions in this title would cause an undue or unnecessary hardship.

(2) Limitations. No variance shall be granted to authorize a use that is not allowed in the zoning district in which the property is located. Approval of a variance may be granted subject to conditions that are found necessary to protect the best interests of the surrounding area and otherwise achieve the purposes of this title.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.72.020 Circumstances for granting.

A variance may be approved, pursuant to GMC Division VII (administrative procedures), if the applicant demonstrates the following:

(1) Exceptional or Extraordinary Circumstances. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zoning district or vicinity and that result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography or other circumstances over which the applicant has no control.

(2) Preservation of Rights. The variance is necessary for the preservation of a property right of the applicant that is substantially the same as owners of other property in the same zoning district or vicinity

possess.

(3) Not Materially Detrimental. The variance would not be materially detrimental to the purposes of this title or to property in the same zoning district or vicinity and would not conflict with the comprehensive plan.

(4) Minimum Variance. The variance requested is the minimum variance that would alleviate the hardship.

(5) Not Result of an Illegal Act. The request for a variance is not the result of an illegal act.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990; Ord. 1323 §1 (part), 2002.

17.72.030 **History:** Ord. 1131 §2(part), 1990; Repealed by Ord. 1323§1 (part), 2002.

17.72.040 Time limit.

(1) Approval of a variance shall expire if substantial construction has not occurred within one (1) year of the date of the final decision.

(2) Upon request, the one (1) year period may be renewed once by the Planning Commission for not more than one (1) year.

Statutory Reference: ORS Ch. 197 and 227

History: Ord. 1131 §2 (part), 1990; Ord. 1160 §1,1992; Ord. 1323 §1 (part), 2002.